



~~IN THE UNITED STATES PATENT AND TRADEMARK OFFICE~~

**COPY OF PAPERS  
ORIGINALLY FILED**

PATENT

In re application : Naimish Patel, et al.  
Application No. : 09/899,358  
Filed : July 5, 2001  
For : BI-DIRECTIONAL WAVELENGTH SWITCHED RING OPTICAL  
PROTECTION SWITCHING WAVELENGTH ASSIGNMENT  
ALGORITHM  
Attorney's Docket : SYCMR-027XX

Group Art Unit: 2633

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner for Patents, Washington, D.C. 20231 on  
4/26/02.

By: Mark Lyrath

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Attorney for Applicant(s)

## INFORMATION DISCLOSURE STATEMENT

RECEIVED

Commissioner for Patents  
Washington, D.C. 20231

MAY 09 2002  
Technology Center 2600

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[ ] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

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- [ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
- [ ] a statement under 37 CFR § 1.97(e); or
- [ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(i).

STATEMENT UNDER 37 C.F.R. § 1.97(e) (1)

- [X] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Art was cited in PCT International Search Report mailed February 14, 2002 in International Application No. PCT/US01/21236 filed July 5, 2001.

STATEMENT UNDER 37 C.F.R. § 1.97(e) (2)

- [ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a

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counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

NAIMISH PATEL, ET AL.

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MAS/lkl/260077  
Enclosure

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Date: April 26, 2002  
Page 1 of 1

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 07/01) PATENT AND TRADEMARK OFFICE				ATTY. DOCKET NO. SYCMR-027XX	APPLICATION NO. 09/899,358		
O I P E MAY 07 2002 INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				APPLICANT: Naimish Patel, et al.			
				FILING DATE July 5, 2001		GROUP 2633	
				U.S. PATENT DOCUMENTS			
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE*	
	5,774,244	6/30/98	Tandon et al.	359	125		
	6,088,141	7/11/00	Merli et al.	359	110		
	6,195,186	2/27/01	Asahi	359	110		
	5,864,414	1/26/99	Barnsley et al.	359	125		
	6,084,694	7/4/00	Milton et al.	359	124	RECEIVED	
						MAY 09 2002	
						Technology Center 2600	
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO	
OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)							
EXAMINER				DATE CONSIDERED			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							